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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

TYRONE INGRAM,

Defendant and Appellant.

E073688

(Super.Ct.No. SWF015875)

OPINION

APPEAL from the Superior Court of Riverside County. John D. Molloy, Judge.

Affirmed.

Patricia L. Brisbois, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL HISTORY

On September 8, 2006, an information charged defendant and appellant Tyrone Ingram with possessing or manufacturing a weapon while in state prison under Penal Code section 4501, subdivision (a). In 2006, during a routine search, a deputy found a

“jail made weapon (shank)” in defendant’s pocket. Because defendant previously had been convicted of four strike offenses, the information also alleged that defendant was subject to sentencing under the “Three Strikes” law based on the prior serious and/or violence felonies under Penal Code sections 667, subdivisions (c), and (e)(2)(A), and 1170.12, subdivision (c)(2)(A).

After defendant was found guilty of the charged offense, on September 7, 2007, the trial court sentenced defendant to a term of 25 years to life.

On June 17, 2019, defendant filed a petition for resentencing under Penal Code section 1170.19. Defendant filed a supplemental declaration explaining that he had served in the military from 1980 to 1982. While he served in the military, he had experienced trauma from gunfire, which stemmed from an earlier childhood trauma related to gunfire. Defendant was eventually diagnosed with post-traumatic stress disorder. The People opposed the petition. The People argued that defendant failed to qualify for resentencing because he had been sentenced to an indeterminate term.

On August 23, 2019, the trial court summarily denied defendant’s petition. The court stated: “People are correct, [Penal Code section] 1170.91 does not apply to indeterminate sentences. And this is, by one charge, an indeterminate sentence, and it was a three-strikes case. [¶] For that reason, it’s summarily denied.”

On September 6, 2019, defendant filed a timely notice of appeal.

DISCUSSION

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979)

25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and a potential arguable issue; and has requested this court to undertake a review of the entire record. Pursuant to *Anders*, counsel identified the following issue to assist the court in its search of the record for error: “Did the court abuse its discretion by summarily dismissing the petition as ineligible for relief under Penal Code section 1170.91?”

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error, and find no arguable issue for reversal on appeal.

DISPOSITION

The judgment is affirmed.

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MILLER

J.

We concur:

RAMIREZ

P. J.

McKINSTER

J.